

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PHILLIP SEMPER, et al.,

Plaintiff(s),

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendant(s).

Case No. 2:20-CV-1875 JCM (EJY)

ORDER

Presently before the court are defendants' motions to dismiss all claims brought by the unrepresented plaintiffs: Corey Bass, Carlos Bass, Breanna Nellums, and Antonio Williams. (ECF Nos. 105–108). Those plaintiffs have not responded, and the time to do so has now passed.

Pursuant to District of Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion ... constitutes a consent to the granting of the motion." LR 7-2(d); *see Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's local rules is a proper ground for dismissal.").

However, the court will not automatically grant every unopposed motion. First, the court must weigh the following factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali*, 46 F.3d at 53.

Having considered defendants' motions and the complaint in light of the *Ghazali* factors, the court grants the motion. The first three factors—the public's interest in expeditiously

1 resolving this litigation, the court's interest in managing the docket, and the risk of prejudice to
2 defendants—all weigh in favor of dismissal. *See id.*; *Anderson v. Air West*, 542 F.2d 522, 524
3 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence of unreasonable
4 delay). Further, the unrepresented plaintiffs have not meaningfully participated in the case since
5 at least October 2021, have failed to respond to several motions, and did not appear for their
6 noticed depositions in March 2023. Therefore, dismissal is appropriate.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants' motions to
9 dismiss (ECF No. 105–108) be, and the same hereby are, GRANTED

10 IT IS FURTHER ORDERED that the claims of Carlos Bass, Corey Bass, Breanna
11 Nellums, and Antonio Williams be, and the same hereby are DISMISSED.

12 IT IS FURTHER ORDERED that defendants' motion to stay (ECF No. 111) be, and the
13 same hereby is, DENIED, as moot.

14 DATED April 21, 2023.

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16 UNITED STATES DISTRICT JUDGE